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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91221978
Party	Plaintiff LT Overseas North America, Inc.
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Submission	Answer to Counterclaim
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Date	12/22/2015
Attachments	Opposer's Answer to Counterclaim for Cancellation LTFOO.060M.pdf(156548 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

LT Overseas North America, Inc.,)	Opposition No. 91221978
Opposer and Counterclaim Defendant,)	
v.)	
Royal Greenland A/S,)	
Applicant and Counterclaim Plaintiff.)	

OPPOSER’S ANSWER TO APPLICANT’S COUNTERCLAIM FOR CANCELLATION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

Opposer LT Overseas North America, Inc. (“Opposer”) hereby answers the Counterclaim for Cancellation filed by Applicant Royal Greenland A/S (“Applicant”) against Opposer’s U.S. Registration No. 4,203,136. Answering the unnumbered first paragraph in the Counterclaim, Opposer denies that Applicant will be damaged by the continued registration of Opposer’s U.S. Registration No. 4,203,136. The numbered paragraphs of this Answer correspond to the numbered paragraphs of Applicant’s Counterclaim for Cancellation.

1. Answering Paragraph 1 of the Counterclaim, Paragraphs 1-16 of Applicant’s Answer to Notice of Opposition set forth Applicant’s responses to the allegations in Opposer’s Notice of Opposition, and thus do not require a response by Opposer. Paragraphs 1-7 of Applicant’s Affirmative and Other Defenses set forth Applicant’s alleged affirmative defenses, and thus do not require a response by Opposer; although Opposer denies the allegations that form the basis for the purported defenses set forth in Paragraphs 1-7 of Applicant’s Affirmative and Other Defenses.

2. Answering Paragraph 2 of the Counterclaim, Opposer lacks knowledge or

information sufficient to form a belief as to the truth or falsity of the allegations set forth therein, and on that basis denies these allegations.

3. Answering Paragraph 3 of the Counterclaim, Opposer lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth therein, and on that basis denies these allegations.

4. Answering Paragraph 4 of the Counterclaim, Opposer admits that a search of the U.S. Patent and Trademark Office Trademark Electronic Search System reveals a U.S. Registration No. 994,052 for the ROYAL GREENLAND mark in connection with “frozen shrimps” in Class 29, and this registration alleges a date of first use in commerce of August 16, 1969. A search of the U.S. Patent and Trademark Office Trademark Electronic Search System also reveals that the application for U.S. Registration No. 994,052 was filed on July 6, 1973 and registered on September 24, 1974. Opposer denies the remaining allegations contained in Paragraph 4 of the Counterclaim.

5. Answering Paragraph 5 of the Counterclaim, Opposer admits that a search of the U.S. Patent and Trademark Office Trademark Electronic Search System reveals a U.S. Registration No. 1,971,114 for the ROYAL GREENLAND mark in connection with “frozen shrimps, frozen cod fillets, frozen cod loins, frozen Greenland halibut fillets, frozen catfish fillets” in Class 29, and this registration alleges a date of first use in commerce of 1960. A search of the U.S. Patent and Trademark Office Trademark Electronic Search System also reveals that the application for U.S. Registration No. 1,971,114 was filed on February 27, 1995 and registered on April 30, 1996. Opposer denies the remaining allegations contained in Paragraph 5 of the Counterclaim.

6. Answering Paragraph 6 of the Counterclaim, Opposer admits that it has obtained U.S. Registration No. 4,203,136 for the ROYAL mark in connection with “meat, fish, poultry, and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk; milk products, namely, milk powder, evaporated milk, sterilized milk,

whipping cream, fermented milk beverages, cultured milk drinks containing lactic acid, yogurt, fermented milk; edible oils and fats” in Class 29 and “coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour; preparations made from cereals, namely, corn flour, whole grain oat, corn bran, rice; bread, pastry; confectionery, namely, chocolates, candies, gumdrops, mints, caramels, toffees, chewing gum, frozen confectionery; ices, honey, treacle; yeast; salt, mustard; vinegar, condiments, namely, sauces; spices; ice” in Class 30. Opposer denies the remaining allegations contained in Paragraph 6 of the Counterclaim.

7. Answering Paragraph 7 of the Counterclaim, Opposer admits the allegations contained therein.

8. Answering Paragraph 8 of the Counterclaim, Opposer admits the allegations contained therein.

9. Answering Paragraph 9 of the Counterclaim, Opposer denies the allegations contained therein.

10. Answering Paragraph 10 of the Counterclaim, Opposer denies the allegations contained therein.

11. Answering Paragraph 11 of the Counterclaim, Opposer admits that it has recently filed an amendment to delete “meat, fish, poultry, and game; meat extracts” from its U.S. Registration No. 4,203,136. Opposer denies the remaining allegations contained in Paragraph 11 of the Counterclaim.

12. Answering Paragraph 12 of the Counterclaim, Opposer denies the allegations contained therein.

13. Answering Paragraph 13 of the Counterclaim, Opposer denies the allegations contained therein.

AFFIRMATIVE DEFENSES

Opposer alleges the following affirmative defenses. There may be additional affirmative defenses to the Counterclaim alleged by Applicant that are currently unknown to Opposer.

Therefore, Opposer reserves the right to amend its Answer to the Counterclaim for Cancellation to allege additional affirmative defenses in the event that discovery of additional information indicates they are appropriate.

FIRST AFFIRMATIVE DEFENSE

The Counterclaim fails to state a claim for which relief can be granted.

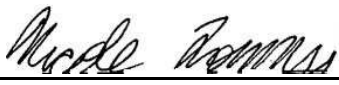
SECOND AFFIRMATIVE DEFENSE

The Counterclaim is barred by the doctrine of laches, estoppel, acquiescence and/or waiver.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 22, 2015

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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **OPPOSER'S ANSWER TO APPLICANT'S COUNTERCLAIM** upon Applicant's counsel by a depositing copy thereof in the United States Mail, first-class postage prepaid on December 22, 2015 addressed as follows:

Bassam Ibrahim
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Alexandria, VA 22314-2727



Sarah Beno Couvillion

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